IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3898 OF 2003

Parmeshwar Dattu Chavan ...Applicant

Vs.

Baburao Ramchandra Mane & Ors. ...Respondents

Shri Pramod N. Patil for the Applicant.

Shri Dinesh W. Bhosale for the Respondent Nos.3 to 9.

Shri S.R.Shinde, A.P.P for the State.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 28, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant in support of the Application for grant of leave. The Applicant is the complainant in a private complaint where offence alleged is under sections 468, 471, 504 and 506 read with section 34 of the Indian Penal Code. The allegation of the Applicant in the private complaint is that the first and second accused forced the Applicant's father to sign on a blank paper. On the basis of the said blank paper record was fabricated.

2. The Applicant's father has not been examined as a witness. The Applicant admitted that he was not present when signature of his father was forcibly

obtained on a blank paper. According to him he came to know about this act only when his father informed him. The Trial Court has observed that the alleged Partition Deed and affidavit of Sakhubai which were allegedly forged were not produced before the court and no efforts were made to bring the said documents before the court. The Trial Court found that the Applicant had no personal knowledge and no reason was assigned for not examining his father. The Trial Court has drawn adverse inference against the Applicant.

3. After having heard the Advocate for the Applicant and after perusing the impugned Judgment and Order, I find that view taken by the Trial Court is a possible view which could be taken on the basis of evidence on record. No case is made out for grant of leave. Application is rejected. Appeal is dismissed.

JUDGE